

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re TERRORIST ATTACKS ON :
SEPTEMBER 11, 2001 :
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03 MDL 1570 (RCC)
ECF Case

This document relates to:

*Estate of John P. O'Neill, Sr., on behalf John P. O'Neill, Sr., deceased, and
on behalf of decedent's heirs-at-law, et al. v. Al Baraka Investment and
Development Corp., et al., Case No. 04-CV-1923*

NOTICE OF MOTION

PLEASE TAKE NOTICE that defendant Banca del Gottardo ("BDG"), by its attorneys
Sonnenschein Nath & Rosenthal LLP, will move this Court, before Hon. Richard Conway
Casey, United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order
pursuant to Rules 12(b)(1) and 12(b)(6), dismissing the Second Amended Class Action
Complaint for failure to state a claim against BDG upon which relief can be granted, and for lack
of subject matter jurisdiction as to the claim brought under the Alien Tort Claims Act, and for
such other and further relief as to the Court may seem appropriate.

In support of this motion, BDG relies on the accompanying Memorandum of Law in
Support of Motion to Dismiss Second Amended Class Action Complaint on Behalf of Defendant
Banca del Gottardo.

Dated: October 3, 2005
New York, New York

SONNENSCHN NATH & ROSENTHAL LLP

By: /s/
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